

Service Date: July 17, 1990

FINAL ORDER NO. 6000

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	Docket No. T-9549
ACTION CARRIER, INC., Sioux Falls, SD)	
for a Montana Intrastate Certificate)	Order No. 6000
of Public Convenience and Necessity.)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On April 19, 1990, Action Carrier, Inc., P.O. Box 850, Sioux Falls, South Dakota 57117, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of railroad supplies and equipment, Class C, from Glendive, Montana, to Havre, Montana, and from Havre, Montana, to Glendive, Montana.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public May 7, 1990. That notice said in pertinent part:

If no written protests are received by May 27, 1990, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. A protest was filed by Molerway Freight Lines, Inc., Billings, Montana.

4. Notice of Public Hearing was issued June 26, 1990, with hearing scheduled for July 31, 1990, in Helena, Montana.

5. On July 6, 1990, Applicant restrictively amended the application and on July 10, 1990, the protest was subsequently withdrawn.

6. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 16th day of July, 1990, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9549, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of ACTION CARRIER, INC., P.O. Box 850, Sioux Falls, South Dakota 59711, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class C - Railroad supplies and equipment from Glendive, Montana to Havre, Montana, and from Havre, Montana to Glendive, Montana. Limitations: Transportation is restricted to the account of Burlington Northern Railroad Company.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 16th day of July, 1990, by a vote of 5 - 0 .

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

HOWARD L. ELLIS, Chairman

DANNY OBERG, Vice Chairman

JOHN B. DRISCOLL, Commissioner

WALLACE W. "WALLY" MERCER, Commissioner

REX MANUEL, Commissioner

ATTEST:

Ann Peck
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision.
A motion to reconsider must be filed within ten (10) days. See 38.2.4806,
ARM.